

EXHIBIT 5

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOE #1, an individual; JOHN
DOE #2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity
as Secretary of State of Washington;
BRENDA GALARZA, in her official
capacity as Public Records Officer
for the Secretary of State of
Washington,

Defendants.

No. 09-CV-05456-BHS

Deposition Upon Oral Examination
of
REDACTED

Taken by: Tracey L. Juran, CCR
CCR No. 2699

September 22, 2010
Everett, Washington

1 Washington disclose that to the Public Disclosure
2 Commission?

3 A. Every time there was a required report, the information
4 was submitted in a timely manner.

5 Q. So we could go to the Public --

6 A. Absolutely.

7 Q. Just let me finish, please. I know it's --

8 A. Yeah.

9 Q. -- it's difficult.

10 But if we went to the Public Disclosure
11 Commission's Web site, we could look at those reports
12 and see what the exact amount was; correct?

13 A. That is correct.

14 MR. PIDGEON: Okay, can we go off the record for
15 just one second.

16 [Off the record - discussion]

17 MS. EGELER: Back on the record.

18 Q. (by Ms. Egeler) What did you do for Protect Marriage
19 Washington during 2009?

20 A. Well, I filed the referendum and I ran the campaign.

21 Q. Before filing the referendum, were you involved in any
22 way in the legislative bill that was the precursor to
23 Referendum 71?

24 A. Yes.

25 Q. And can you describe that.

1 A. Well, I worked and lobbied some in Olympia. I -- and
2 when I say that, I took a trip down there once in a
3 while and met with a few state representatives and --

4 Q. Anything else?

5 A. -- organized some efforts outside of the Legislature to
6 oppose the bill.

7 Q. Anything else with respect to that bill?

8 A. No.

9 Q. So you didn't testify --

10 A. I did. I did testify, yes.

11 Q. Did you testify against the bill?

12 A. Against.

13 Q. And was that a public hearing that you --

14 A. Yes.

15 Q. Do you recall whether there were other members of the
16 public present?

17 A. Yes.

18 Q. Roughly how many people do you think there were, very
19 roughly?

20 A. As many as 300.

21 Q. When you testified, were you required to sign in before
22 testifying?

23 A. Yes.

24 Q. And did you do so?

25 A. Yes.

1 Q. Do you recall whether you were asked to provide both
2 your name and your address?

3 A. Yes.

4 Q. And did you provide your address?

5 A. Yes.

6 Q. You said that you organized efforts to oppose the bill
7 with others. Who were those others?

8 A. Well, key contacts.

9 Q. Such as?

10 A. People that might contact us that were of like mind.

11 Q. And how did you organize them?

12 A. Loosely.

13 Q. Did you organize people to come to the hearing and
14 testify?

15 A. We asked in an Email message, yes.

16 Q. And who was that Email sent to?

17 A. A list of people that we began to gather as -- over
18 time.

19 Q. Was that Email sent from your personal Email account?

20 A. No.

21 Q. What Email address was that sent from?

22 A. Washington Values Alliance.

23 Q. So at the time that you were working to oppose the
24 legislative bill, that work was done through Washington
25 Values Alliance; correct?

1 very few.

2 Q. You mentioned that you used the names and addresses and
3 the Email addresses to keep people informed of what's
4 going on. Did you mean this lawsuit?

5 A. We've posted a few of the press releases that have come
6 out from the lawsuit. That's about all we've done.

7 Q. Have you sent any Emails out asking people to share
8 their experiences, any sort of harassment they might
9 have experienced?

10 A. I do believe there was an Email that mentioned that at
11 one time, but I'm not even sure of that, whether we did
12 that. We have not -- there was, I think, one Email
13 quite a while back, and I'm not even -- I'm not sure if
14 it was specific to that issue that day.

15 Q. After the United States Supreme Court --

16 A. Yeah.

17 Q. -- ruled on --

18 A. Yeah.

19 Q. -- part of the case --

20 A. Yeah.

21 Q. -- do you know if an Email was sent out asking people to
22 share their experiences of harassment?

23 A. I do believe we sent an Email out that asked that at one
24 time.

25 Q. And that would have gone to the few thousand Email --

1 A. Yeah.

2 Q. -- addresses?

3 A. That's right, yeah.

4 Q. Would anything have been mailed to the written addresses
5 that you had?

6 A. We did not write to people, no.

7 Q. When you asked people to share their experiences of
8 harassment -- and I'm looking at the time period --

9 A. Mm-hm.

10 Q. -- after the United States Supreme Court ruled -- did
11 you have any responses to that request?

12 A. There was a -- you know, and again, I'm not recalling
13 the specific Email, so -- it wasn't something we made a
14 big -- went into real hot pursuit on.

15 Q. I understand.

16 A. Yeah.

17 Q. I'm just wondering --

18 A. Yeah.

19 Q. -- did anyone respond with anything?

20 A. If they did, I've submitted it.

21 Q. Submitted it to whom?

22 A. Oh, that's -- it's in the records that have been brought
23 in.

24 Q. Do you recall how many people might have responded?

25 A. No. No.

1 Q. So any response that you did receive in response to the
2 Email asking about harassment would be included in
3 the --

4 A. Yes.

5 Q. -- materials --

6 A. Yes.

7 Q. -- would be included in the materials that you've
8 provided in response to the subpoena duces tecum.

9 A. Yes.

10 Q. And there's nothing that you failed to respond -- excuse
11 me; failed to produce.

12 A. No.

13 MR. PIDGEON: I'm going to object that --

14 THE WITNESS: Yeah.

15 MR. PIDGEON: -- just for point of clarification,
16 having looked through the documents -- the responsive
17 documents that were replied -- that were placed -- that
18 were put in -- that have been, I believe, filed in terms
19 of responses to requests for production, that it is an
20 ongoing discovery request and that we have reserved the
21 right to continue to respond to the discovery request in
22 terms of any new information that's still coming in,
23 just for clarification.

24 Q. (by Ms. Egeler) Mr. REDACTED, do you remember
25 approximately when that Email would have been sent, even

1 in terms of what month it would have been sent?

2 A. No.

3 Q. But it was after the United States Supreme Court ruled?

4 A. It was during -- I mean, here's (indicating) some of the
5 listing of some of the courtroom activities, and at some
6 point we asked. And I -- this thing has become awfully
7 convoluted and difficult for me to -- as -- to remember
8 exact times and dates. It's been very complicated.

9 Q. I understand.

10 In addition to speaking to reporters and filing
11 petitions, et cetera, did you do little things, like
12 have a bumper sticker about Referendum 71 on your car?

13 A. Yes.

14 Q. And did you personally have a yard sign about
15 Referendum 71?

16 A. I don't recall that I did for certain reasons.

17 Q. So at no point during the campaign did you have a yard
18 sign?

19 A. I do not believe so, no.

20 Q. Did you appear on television or radio to promote
21 Referendum 71?

22 A. Yes.

23 Q. Let's break that up and address, first, radio. Can you
24 tell me about any radio appearances you had.

25 A. Numerous.

1 A. Yeah.

2 Q. -- threats or harassment, and the first --

3 A. Sure.

4 Q. -- thing that you listed was the Emails. Are there --

5 A. Yeah.

6 Q. -- any that stand out to you?

7 A. Yes. Of course, the -- and mind you that a lot of -- we
8 began to collect these, you know, in time after it
9 started to bother us. And I blew off a lotta calls and
10 a lot of harassment and I began a file for the more --
11 you know, for the harassing and the hate mail we began
12 receiving. But right out of the blocks, we had the --
13 this Bisceglia character.

14 A Bellingham blogger had -- was posting on a number
15 of the homosexual blogs, include -- or he had his own
16 blog, but he had links showing up on some of the larger
17 blogs even around the country, and it was generating a
18 lot of Email to us. And he was actually calling for,
19 you know, it looked like, you know, to me -- I rated as
20 harm to my family and destruction of property, you know,
21 and saying things like, if **REDACTED**, and by name,
22 is going to harm my family, why shouldn't we go down to
23 Arlington and harm his.

24 And so we began to feel very vulnerable and --

25 Q. Do you remember the name of that Web site?

1 Could that have been the Bellingham blog?

2 A. Possibly.

3 Q. Do you remember a blog listing anything about people
4 supporting --

5 A. In Longview and Kelso?

6 Q. Let me finish the question.

7 A. Yeah.

8 Q. -- yes, listing names of individuals in Longview or
9 Kelso who supported Referendum 71?

10 A. This thing was impossible to keep complete tabs on. If
11 you were to go and run Referendum 71 on Google search,
12 and you've probably all done that, there's going to be
13 thousands of documents and numerous Web sites from A to
14 Z across the country.

15 Q. So does that mean you don't remember this blog listing
16 anybody from Longview?

17 A. I'm not sure. I don't recall.

18 Q. I understand.

19 A. Yeah.

20 Q. So I took us back to the Bellingham blog, but you were
21 just adding that The Stranger had a headline --

22 A. Yeah.

23 Q. -- know thy enemy; is that correct?

24 A. Correct. So there was an atmosphere and a chill in the
25 air. And we put together a little package of the Emails

1 and Web-site links and submitted them to Sheriff Lovick
2 here in Snohomish County. And I copied my submittal to
3 Sheriff Lovick to Kirk -- State Representative Kirk
4 Pearson, County Councilman John Koster, State
5 Senator Dan -- or Val Stevens, and State
6 Representative Pearson -- or Kristiansen. So I
7 submitted it to the legislative -- my legislators
8 directed to Sheriff Lovick.

9 Q. And is -- Sheriff Lovick, he's with Snohomish County?

10 A. Snohomish County Sheriff.

11 Q. And is that L-O-V-I-C-K?

12 A. Correct.

13 Q. Did Sheriff Lovick respond?

14 A. He responded by referring it to Whatcom County.

15 Q. What county is Arlington, your home city, in?

16 A. Snohomish County.

17 Q. And would he have referred it to Whatcom because that's
18 where Bellingham's located?

19 A. Yes.

20 Q. Why did you direct this to Sheriff Lovick instead of the
21 sheriff's office generally?

22 A. Well, because he's the sheriff. Wouldn't that be the
23 normal direction?

24 Q. So he's the head of the --

25 A. Yes.

1 right now.

2 And mind you, I have children at home of -- young
3 children as well as at the time I had my two boys at
4 home and a daughter that was -- that's -- was 17 at the
5 time. And --

6 [Cell phone ringing]

7 THE WITNESS: There's one of 'em now. See if I can
8 get that shut off here.

9 A. And all of a sudden, I'm having to spend a lotta time
10 away from home with these Emails and calls coming in.
11 And they were coming in through every crack in the
12 house, the calls and the Emails. They had gotten our
13 home phone numbers and we were in the phone book. Our
14 address was posted and my phone number was out there.

15 And it was sometime in May that I -- one of my
16 young daughters came running into the house, Daddy,
17 there's a man in our front yard taking pictures. And I
18 had determined that was sometime after June 2nd. And I
19 charged out into the yard after REDACTED found me and I
20 made it outside just in time to see the car disappearing
21 down the hill. And I hopped in my car and tried to get
22 down there and get identification, but there's a number
23 of side streets. The car disappeared.

24 Now, our fear was that -- we know it had been the
25 tactic of some of these groups to post on-line even

1 photos of a home -- your home, so --

2 Q. (by Ms. Egeler) Can I ask --

3 A. Yeah.

4 Q. -- you a question about --

5 A. Yeah.

6 Q. -- that --

7 A. Mm-hm.

8 Q. -- man in the yard.

9 A. Yeah.

10 Q. Do you remember what he looked like?

11 A. Oh, I didn't see him, but my daughter did.

12 Q. So you did not see him.

13 A. No, I did not see him.

14 Q. How old was your daughter --

15 A. Eight.

16 Q. -- at the time?

17 A. Yeah, 8.

18 Q. And your daughter saw him taking pictures.

19 A. Yeah, mm-hm.

20 Q. When you came into the yard and chased him in his car --

21 A. Yeah. Yes.

22 Q. -- did he say anything?

23 A. I didn't -- when I came into my yard, he was a quarter
24 mile heading down the hill in his car by then. I was in
25 the back 40 when my daughter found me.

1 Q. Did your daughter hear him say anything?

2 A. No, not that I recall.

3 Q. And when you got into the car to follow him --

4 A. Yeah.

5 Q. -- how close were you able to get?

6 A. With -- the layout of my -- I live on a long, lonely
7 country-road straightaway and it heads down a hill. And
8 he was rounding the corner a quarter mile away. So I
9 drove down that way to see if I could find somebody,
10 maybe, up at the stop sign that's a couple miles out.
11 And -- but there's a number of side streets they could
12 have turned down, you know. I didn't find the car.

13 Q. Did you call the police and tell them about this?

14 A. I'm not sure we reported that. I don't recall. I don't
15 recall. From the response I was getting out of the
16 sheriff's office, I hadn't -- I was -- I -- yeah.

17 Anyway, I --

18 Q. So we had this incident. And did your daughter -- how
19 did you know this was related to Referendum 71?

20 A. Well, I can't make, you know, a positive lock-tight
21 argument there, but I assumed that it likely was. There
22 was a lot of funny things going on, and it seemed to be
23 in character with what was being called for and some of
24 the other things that were happening and the history of
25 the magazine, The Stranger.

1 Q. But do you know --

2 A. Yeah.

3 Q. -- if this individual might have been a burglar?

4 A. I -- yeah, I said I don't have a lock-tight proof that
5 this person was R-71 related. We suspected he was.

6 Q. So next -- let's move on to the --

7 A. Yeah.

8 Q. -- next incident.

9 A. Yeah.

10 Q. I think we've --

11 A. Yeah.

12 Q. -- exhausted --

13 A. Yeah.

14 Q. -- that.

15 A. Yeah. Let me just tell you that it was at this point
16 that -- and again, I wanna go back to -- the atmosphere
17 of fear at our home could be cut with a knife. And when
18 you go from nice little family raising their kids out in
19 the country to all of a sudden -- and there were some
20 things I didn't wanna even go public with at the time
21 and I hesitate to now.

22 Q. Can we --

23 A. Let me just --

24 Q. -- focus on the question, though.

25 A. Well, I wanna --

1 Q. I under --

2 A. I want you to understand what we were dealing with, and
3 that is that I had to move my children into the living
4 room.

5 Q. Well, let's talk about --

6 A. Yeah.

7 Q. -- that incident.

8 A. Yeah, okay.

9 Q. And that's --

10 A. All right.

11 Q. -- contained in your declaration --

12 A. Sure, sure, yeah.

13 Q. -- as well. And --

14 A. Yeah, mm-hm.

15 Q. And I believe, and --

16 A. Yeah.

17 Q. -- correct me if --

18 A. Mm-hm.

19 Q. -- I'm wrong --

20 A. Mm-hm.

21 Q. -- but you certainly felt that that was a time you
22 experienced harassment or threats. So can you explain
23 that to me, what occurred then.

24 A. Well, it was after the photo opportunity that -- and in
25 that -- and mind you, this was a very, very busy time

1 for myself.

2 Q. How long after the photo incident?

3 A. We made a decision, I think, that day that we -- the
4 kids go into the living room. And I'm -- we were beside
5 ourselves as to what to do. And I almost packed the
6 family up and sent them off to Colville at that point
7 because I have some -- my in-laws there. But the kids
8 were all in school and my wife was my right arm. The
9 campaign would be over. We would have been heading for
10 the hills. Instead, we carried on, but under this
11 atmosphere of chill.

12 And, you know, I had my boys getting the guns
13 loaded because of -- and I -- you know, Dad, don't
14 worry, we'll take care of it. I'm going, yeah, okay,
15 sure. But, I mean, that -- it was that kind of a fear.
16 And we don't -- you know, I'm not a big gun guy, even,
17 or -- I'm just a regular guy. But all of a sudden we're
18 forced into these kind of -- this kind of thinking
19 and --

20 Q. You said that you had an 8-year-old daughter, REDACTED.

21 A. Yeah.

22 Q. What were the ages of the other children? You don't
23 need to provide their names.

24 A. REDACTED --

25 Q. So she was --

1 names are provided, that they be provided under seal and
2 under seal only.

3 THE WITNESS: Yeah.

4 MS. EGELER: Well, the Court can rule on that.

5 Q. (by Ms. Egeler) But you can answer the question.

6 A. I asked no particular businesses. I asked -- I talked
7 to -- I'm talking about businessmen, people of
8 prominence.

9 Q. Can you tell me or do you know anyone who stated that
10 they would like to contribute, but they're fearful about
11 disclosure of their name? Do you remember the name of
12 anyone or any business who said that?

13 A. Yes, I do. I had a young woman who had like a -- I
14 don't know what she did, but she had a little shop in
15 Seattle. And she just said, I can't give if I have to
16 give my name. So, I mean, it's people like that that
17 I'm talking about.

18 Q. Who else? Woman with a shop in Seattle.

19 A. I wouldn't wanna try and recall all these people.

20 Q. I understand that --

21 A. Yeah.

22 Q. -- you might not want to, but --

23 A. Yeah.

24 Q. -- that is why we're here today, to --

25 A. Yeah.

1 Q. -- explore this.

2 A. Yeah, yeah.

3 Q. If we have --

4 A. Yeah, yeah.

5 Q. -- a claim that --

6 A. Yeah.

7 Q. -- harassment was resulting in people not contributing
8 and you have --

9 A. Yeah.

10 Q. -- knowledge of individuals --

11 A. Yeah, yeah.

12 Q. -- that wanted to contribute and expressed to you --

13 A. Yeah.

14 Q. -- they want to contribute but won't because of
15 disclosure, then I do need to know --

16 A. Yeah.

17 Q. -- who these individuals --

18 A. I don't --

19 Q. -- are.

20 A. I don't recall the individuals.

21 Q. So it's not a matter of you refusing to tell me; rather,
22 it's that you don't recall.

23 A. I don't recall.

24 Q. That's fine.

25 Do you recall -- I'm sure you don't recall a

1 specific number; maybe you do -- approximately how many
2 people and businesses did contribute to Protect Marriage
3 Washington?

4 A. Well, I don't know that any business actually
5 contributed, because you can't take corporate checks.
6 But how many donors did we end up with? I don't recall
7 that. Several hundred plus, maybe. I don't know. Two,
8 three hundred, maybe more. It's all on the public
9 record, so --

10 Q. So any donors would be listed there?

11 A. Exactly.

12 Q. And again, any donor Protect Marriage Washington would
13 have complied with the law and properly disclosed to --

14 A. Yes.

15 Q. -- the Public Disclosure Commission?

16 A. Absolutely, mm-hm.

17 Q. And you also mentioned that you -- after hearing from
18 whosigned.org and --

19 A. Yeah.

20 Q. -- Know Thy Neighbor, if you --

21 A. Yeah.

22 Q. -- and I are remembering their names correctly --

23 A. Sure.

24 Q. -- that you had some campaign workers that were
25 uncomfortable and no longer would work for the

1 campaign --

2 A. Well --

3 Q. -- is that right?

4 A. That generated a chill through the whole campaign.

5 Q. Can you tell me who the people were -- that no longer
6 would work for the campaign were?

7 A. Well, I can't. I can't --

8 Q. Do you recall who they are?

9 A. I don't recall.

10 Q. Do you recall how many of them there were?

11 A. I don't recall a number.

12 Q. How many campaign workers were there in total?

13 A. You know, there may have been a time when there was, you
14 know, many hundreds that were out gathering signatures.
15 Many of them I didn't know. They were just out doing
16 it, sending 'em in. So --

17 Q. Since the election occurred --

18 A. Mm-hm.

19 Q. -- have you experienced anything that you would consider
20 to be harassment or threats?

21 A. Well, you know, as a professional person or a person
22 that is now doing campaigns professionally, I've -- for
23 a number of months I was -- you know, and I have a -- I
24 write a column for Red County. It's a conservative
25 blog. And anytime my name would appear on an article, I

1 A. Well, there was another -- one of the more outstanding
2 incidents. And let me just tell you something: I'm a
3 pretty rough-and-tumble guy. I mean, I'm not a guy who
4 walked into this thing with his eyes closed. But I got
5 rattled on a couple of occasions in this thing. And one
6 of the standout incidents that comes to mind was a
7 series of phone calls that I began to receive from a
8 real odd character.

9 Q. And when did these phone calls happen?

10 A. Those started in late July and it was from a Krystal
11 Mountaine. I used to ski up on Crystal Mountain, so I
12 assumed it was a takeoff on that mountain or whatever.
13 And she would call me and -- at all hours and began
14 to -- it began to be a little bothersome.

15 Q. Was it at your home?

16 A. On my cell phone, which was -- and it was on my home
17 phone number too.

18 But -- and it's just -- usually what I would get
19 was, you know, a lot of sexual innuendo and the attacks
20 were usually bordering on, I hate your guts, you -- I
21 mean, you can read the stuff yourself. But this one was
22 particularly wanting to fight me and saying, I think I'd
23 really like that, and, you know, these kinda things.
24 And it was very bothersome. And then this person warned
25 me that, but I want you to know, I'm an ex-special

1 Q. -- and wanted to fight you.

2 A. Yeah, wanted to fight me because she'd get off on that
3 sexually.

4 Q. But you weren't concerned about letting the police know
5 about this physical threat to you?

6 A. I had too many things to do and I have -- I'm hearing
7 this stuff constantly, the hate I'm absorbing at that
8 point. And I had made a decision I'm gonna carry this
9 thing out by then. And I guess you get somebody
10 cornered and, you know, we were saying, well, we're
11 gonna fight back. You're not gonna drive us out of this
12 campaign.

13 Q. But this individual --

14 A. Yeah.

15 Q. -- said that she was going to --

16 A. Yeah, yeah.

17 Q. -- wanted to fight you.

18 A. I didn't have any -- what proof did I have other than I
19 took a phone call?

20 Q. Just let me --

21 A. Yeah.

22 Q. -- finish the --

23 A. Yeah.

24 Q. -- question.

25 A. Yeah.

1 Q. And that she, if I hear you correctly --

2 A. Yeah.

3 Q. -- knew where you lived. Were you concerned for your
4 family?

5 A. Absolutely.

6 Q. And yet you didn't let the sheriff know about that?

7 A. I don't recall whether we made a call on Krystal
8 Mountaine or not. I know I was turning all these Emails
9 in to our file, you know. I was in communication.

10 Q. Were you --

11 A. So --

12 Q. You were in communication with whom?

13 A. With attorneys at that point. And I think I sent them
14 to Steve and to the Alliance defense fund.

15 Q. And by Steve, you mean --

16 A. Steve Pidgeon.

17 Q. -- Steve Pidgeon?

18 A. So --

19 Q. And do --

20 A. Yeah.

21 Q. -- you know if Steve Pidgeon let the --

22 A. No, I don't know --

23 Q. -- Snohomish County Sheriff's --

24 A. -- that I ever made a -- you know, what reports I made
25 other than I kept the Emails I got from this person.

1 That threat came in on a phone call, yeah.

2 Q. But you didn't feel concerned enough about your family's
3 safety to call the police --

4 A. Oh, I absolutely --

5 Q. -- about that?

6 A. -- felt concerned enough. I didn't feel I was gonna get
7 any response from Sheriff Lovick.

8 Q. Did you --

9 A. Yeah.

10 Q. Do you have a police force in the city of Arlington?

11 A. No. We're outside the city limits. Very vulnerable. I
12 had no confidence in Sheriff Lovick at that point.

13 Q. But you didn't let Sheriff Lovick know about this threat
14 of physical --

15 A. I don't --

16 Q. -- harm from --

17 A. -- recall whether we let him know or not.

18 Q. Who would know? Would your wife recall?

19 A. I doubt that.

20 Q. And let's explore --

21 A. Yeah.

22 Q. -- your feeling of a lack of confidence in the sheriff.

23 A. Yeah.

24 Q. Other than your contact with the sheriff to --

25 A. Mm-hm.

1 identified himself as.

2 Q. Do you remember his name?

3 A. I do not. But I think that the county sheriff would
4 have to know that.

5 Q. What did he say to you?

6 A. He said he was gonna take a look into the Bisceglia
7 matter.

8 Q. Did he say how he would do that?

9 A. He just said he was a detective. He caught me on the
10 run and I'm bombing around somewhere and he says, I just
11 want you to know that we're gonna take a look at this
12 thing for you. That's the last I heard of him.

13 Q. And did you call him back to ask --

14 A. No. I didn't --

15 Q. -- about it?

16 A. -- have his number.

17 Q. Where did you receive the call?

18 A. Cell phone.

19 Q. So your cell phone had the number.

20 A. Somewhere on my cell phone.

21 Q. And did you write that number down?

22 A. No, I did not.

23 Q. Why not?

24 A. Ma'am, I was -- a lot of these calls I was fielding on
25 the run.

EXHIBIT 6

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOE #1, an individual; JOHN
DOE #2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity
as Secretary of State of Washington;
BRENDA GALARZA, in her official
capacity as Public Records Officer
for the Secretary of State of
Washington,

Defendants.

No. 09-CV-05456-BHS

Deposition Upon Oral Examination
Of

PASTOR REDACTED

Taken by: Tracey L. Juran, CCR
CCR No. 2699

September 23, 2010
Seattle, Washington

1 I think that issue then -- it's been so many years back.
2 The issue then was working on minority status, making
3 the homosexual community a minority status. And so
4 that's how I really got involved with the legislative
5 aspect of it and down in Olympia.

6 And when we got there, there was a -- there was
7 several representatives from Microsoft that was trying
8 to get the law passed, and that's how I got involved
9 even with the fight with Microsoft.

10 Q. Let's talk about that fight with Microsoft. Can you
11 describe that for me.

12 A. In words? In words, probably a little bit more
13 difficult than in emotion.

14 What happened was that we had so many people in our
15 church that work for Microsoft, and I knew Microsoft
16 policies for years towards the homosexual community.
17 Fine with us. It was their right, it was their

18 business, and that any way they wanted to treat their
19 workers was their choice. Well, when we got down to
20 Olympia, all of a sudden their decision on how they was
21 treating the homosexuals in their business became how
22 they wanted the State to treat homosexuals, and they was
23 there giving testimony why this law should be passed.

24 And that's when I said, I think we're overstepping.
25 Long as you wanna keep that issue inside your four

1 walls, it's fine with me. When you try to push your
2 decision and your laws on me as a pastor and as a
3 Christian, I got problems with it, especially when you
4 step in the state. And so that's when I met with
5 Microsoft. And we had several meetings and I got them
6 to back off and take a neutral position in that fight
7 that year.

8 Q. So do you have an opinion about whether corporations
9 should be able to lobby the government for different
10 laws being passed or not passed?

11 A. I think corporation can lobby the government for
12 anything they want if they're willing to defend it and
13 be challenged on it.

14 Q. So --

15 A. Because they have the right to do that. I have the
16 right to challenge that.

17 Q. So you weren't objecting to Microsoft lobbying on the
18 issue.

19 A. Never. I never asked them to fire their
20 representatives, I never asked them to change their
21 policies inside their four walls. The issue was, when
22 you start pushing issues that's Biblically where I stand
23 as a pastor on me, you know, pass laws that I have to
24 submit to when the Bible says I shouldn't, then we have
25 a problem.

1 the last time I typed my name in, there was almost
2 300,000 hits. So it isn't -- nothing private about how
3 I feel, how I say, and where I stand. And there is not
4 one statement that anyone can ever find in all those
5 postings where I am derogatory and attacking and feeling
6 and putting down homosexuals.

7 Q. I understand.

8 So looking again at Microsoft, was the effort to
9 buy the stock of the company, then?

10 A. Yeah. It's just like -- just go in and buy stock and
11 influence what is going on in that business. One of the
12 reasons why we did that was because -- I think it was
13 when -- there was something going on in California. I
14 don't think it was Proposition 8, I think it was another
15 issue that was hitting. And I came to the stockholders'
16 meeting at Microsoft to ask them why were they
17 supporting discriminatory and racial practices.

18 Q. And what discriminatory and racial -- and racist
19 practices specifically?

20 A. Specifically, if you remember some of the rallies that
21 was going on in California -- I think it's about three,
22 four years ago at the most -- there was homosexuals that
23 was attacking people with the Bible at rallies, took a
24 Bible from a little old lady, called black people stupid
25 for voting for the passage of that bill. It may have

1 been Proposition 8; I'm not sure.

2 And I asked Microsoft as a company and as a
3 stockholder, if it was -- anyone else had done such
4 blatant discriminatory and racist comments and
5 movements, would this company support 'em? And I said,
6 absolutely not. But you are. You continue to support
7 the homosexual lifestyle and ways even though you know
8 where they stand.

9 And that you call me intolerant, but you never
10 heard me call homosexuals names. But you've heard them
11 call me names. You've heard them call other black
12 people names and how ignorant black people are because
13 of voting for Proposition 8.

14 Q. Did you witness anything in the state of California that
15 you've just described?

16 A. Every day on the news. It was hot, hot news. And so
17 with -- the pastors that have organized Proposition 8,
18 I'm close friends with two of 'em and I knew exactly
19 what was going on. Wasn't just hearsay in the aspect of
20 what was going on in the paper, but what was going on
21 with the pastors and the pastors who got, I mean, just
22 threats to no end that if you are gonna stand on this,
23 then you are gonna be -- I wanna say the right word --
24 you'll be profiled as a hatermonger.

25 Q. And were you involved in an organization of a rally, for

1 the board, we will talk about this later.

2 And she came home and says, do you know what's
3 going on up at the school? I go, no. She says, I went
4 up to talk to the teacher and they was honoring the Day
5 of Silence. Teachers wouldn't teach. They were -- if
6 they committed to honor the Day of Silence, they
7 wouldn't teach. Students didn't have to talk in the
8 classroom. They were having students come in at the
9 front of the school to say, okay, are you for this and
10 you supported this or not? They was handing out arm
11 bands.

12 So all of a sudden I'm thinking, what is gonna --
13 this isn't gonna happen.

14 Q. (by Ms. Egeler) And what was the Day of Silence about?

15 A. It was honoring those students who they say had been
16 bullied as a homosexual student. Now, that -- okay,
17 great, let's deal with bullying. But outta all those
18 issues that the kids voted on, homosexual bullying or
19 homosexual problems wasn't even mentioned. And the GSA
20 that put on the Day of Silence didn't have one
21 homosexual student in their whole program. There was no
22 gay students in the committee. It was heterosexual kids
23 pushed by teachers, which is not right when it's
24 supposed to be student sponsored.

25 Q. Do you actually know that --

1 A. I know that for a fact. And you can call Mount Si High
2 School and ask for Principal Taylor. You know, he --
3 they can give you all the -- everything I'm saying that
4 I tell you is the truth.

5 And I just had -- just finished with another
6 meeting just to refresh last Monday about the issues of
7 the Day of Silence. And I -- my thing was, okay, if you
8 gonna set a time aside -- we got day of respect. That's
9 for everybody. But then you turn around, you have a
10 special day for homosexual kids where all the kids says,
11 not a problem, but racism is. So you don't have -- if
12 you gonna have a special day, why don't we deal with
13 what the real problem is in this school, which at that
14 time was racism.

15 Q. So what did you do to express your concern with the
16 school's decision?

17 A. We sit down and says, okay, why are we having this day,
18 taking a whole day out to celebrate a lifestyle?

19 Q. And did you bring people to the school to protest?

20 A. That was only after they said, we gonna go ahead and do
21 it anyway, the next year. And so we had -- the
22 following year I asked, are you gonna have this Day of
23 Silence? Well, if you wanna day of -- I said, why not
24 do it the way Christians do it? We come in early,
25 before school, we go out the flagpole, we pray. School

1 is for education, not indoctrination, and they can do it
2 after school. No big deal. We're not saying you can't
3 do it, we're just saying, this is time for education
4 during the day.

5 Well, you can have a special day, if you want, for
6 Christians. That is defeating why I'm here. If I did
7 that, I'm hypocrite. I'm saying, if we got a day of
8 respect, why not put everything on the one day?

9 Q. So did you have a rally organized in 2008 --

10 A. Yes, we did. And over half the parents kept their kids
11 out of school that day.

12 Q. And did you bring people from the church with you?

13 A. Church, the community, because I live in the community.
14 We had people, I mean, come from all over to come and
15 stand with us --

16 Q. How many people --

17 A. -- at that rally.

18 Q. -- do you think?

19 A. Oh, my goodness. I don't -- please, I really don't
20 know, but probably five or six hundred. I don't know.
21 So yeah, something like that.

22 Q. And were there any people there that were taking the
23 opposite position and supporting --

24 A. Did you see --

25 Q. -- the day?

1 A. -- some of the paperwork that they put in up there? I
2 mean, we had homosexuals and homosexual activists that
3 literally tried to start fights with me. And I'm always
4 surrounded by people when I'm in public and people gonna
5 know I'm there, because the worst thing I could ever do
6 is to start a problem and hit someone. And that's
7 exactly what they tried to do. There was kids standing
8 next to me with a sign, "Throw Rocks Here." You know,
9 there's not a lotta love and a lotta tolerance in that
10 sign.

11 And we had to call the police, which was there,
12 that they were supposed to keep us separated at this
13 rally. That was the whole issue that we were supposed
14 to do, and they didn't. When I first walked up, I had
15 all these homosexual kids and homosexual activists come
16 to me, and here I am surrounded, with four or five guys
17 around me trying to protect me from all of them.

18 Q. And so the police did respond when you called?

19 A. Well, they was there. They were standing there looking.
20 And I said, hey, don't you guys think you better move up
21 here? Don't you think you better move -- we supposed to
22 have separate places for the crowd, those that are
23 standing against the Day of Silence and those that are
24 for it, and you're not doing your job.

25 Q. And did they --

1 A. And I expect you to do your job. And they finally did
2 move 'em back and put up a barrier, a rope.

3 Q. Between the two groups, the rope?

4 A. Between the two groups.

5 The things that were said, the language that was
6 used -- my wife was attacked with words, abusive, called
7 her a nigger lover, called us homophobes, hateful
8 people. They -- I mean, I can't even say some of the
9 things that they were saying right there with the
10 television and the cameras. But all of a sudden, none
11 of those things was on the news.

12 Q. And were any rocks thrown? You said there was a sign
13 about --

14 A. No. I mean, they -- that's what the sign was saying,
15 and he was standing right next to me with the sign over
16 my head, "Throw Rocks Here."

17 Q. Was anything thrown?

18 A. Oh, no. I mean, that wouldn't have happened.

19 Q. By either group. No -- neither group threw things.

20 A. No, mm-mm.

21 Q. Did either group sink to the level of physical violence?

22 A. No. Oh, no. I mean, it definitely wouldn't come from
23 our side. And everybody knows I'm not a pacifist.

24 Q. But you didn't react with --

25 A. No.

1 A. I don't know. Probably about five minutes.

2 Q. So about a five-minute response time.

3 A. Mm-hm.

4 Q. And when -- five minutes later, the police separated the
5 groups; is that --

6 A. Mm-hm.

7 Q. -- correct?

8 And how far apart did the police then keep the
9 groups?

10 A. It look like it's about 15, 20 yards, yeah.

11 Q. And do you think that, because they separated the
12 groups, that that prevented any sort of violence
13 occurring?

14 A. I know it did. .

15 Q. So do you think that the police were instrumental in
16 helping to prevent violence?

17 A. Oh, I mean, if there was no police there, it would
18 have -- I think would have broken out into some type of
19 violence.

20 Q. That's a very strong statement, to state that the police
21 aren't doing their jobs. So --

22 A. Yeah, it sure is.

23 Q. -- do you believe --

24 A. And I --

25 MR. PIDGEON: I object to that --

1 MS. EGELER: Excuse me --

2 MR. PIDGEON: -- statement and as to the form of
3 the question.

4 Q. (by Ms. Egeler) After you asked them to split up the
5 group and they did so, did you continue to feel that the
6 police were not doing their job?

7 A. After they -- the head superior officer got there, they
8 did a great job moving everyone back. It was -- we had
9 some 45 minutes before that separation took place. It
10 started from the moment I got out the car and I started
11 walking towards the school. They saw me coming and then
12 here comes the whole crowd that was representing the
13 homosexual group and activists. They met me and walked
14 up to me long before we even got to the place. And
15 that's how it all started. As we moved toward, more and
16 more came and got around me and surrounded me.

17 Q. They surrounded you and told you that they disagreed
18 with you; is that correct?

19 A. That'd be a good statement to make, yes.

20 Q. But they didn't surround you and physically abuse you.

21 A. Oh, no, no. I think, with all the guys that I have,
22 that that was not gonna take place.

23 Q. Well, there were guys surrounding you and protecting
24 you.

25 A. Right.

1 But what did happen was, we had a big rally at
2 Crossroads Baptist Church, and it was announced that we
3 was gonna be using their church for our rally. It was a
4 worldview conference. Had nothing to do with anything
5 concerning this issue.

6 Q. And when did -- when was that rally?

7 A. It would be April of -- I think it was 2008, 2009.

8 Q. Did the rally --

9 A. It -- and it was concerning -- around the same time as
10 that Day of Silence, so I was in the news. And they
11 came to work in the morning and there was grafitti
12 written all over the church, you know, homophobe this
13 and hater, and they took glue and stuck it in all of the
14 keyholes on the outside doors. And I don't think
15 Crossroads had done anything to get those, but that's --
16 so it had to be because we was coming there that weekend
17 and use the building.

18 Q. Did the grafitti have any words?

19 A. Yes. You'd have to ask the church, because they washed
20 it off pretty quick because people was coming in for a
21 rally that evening.

22 Q. Did you see the grafitti?

23 A. No.

24 Q. And that didn't have anything to do with Referendum 71,
25 then?

1 A. I couldn't tell you if it did or not. But I do know if
2 you are standing against them, you will be harassed and
3 you will be attacked in words and threats.

4 Q. So the Mount Si rally that is in the newspaper article
5 that we've put into the record and that you have there
6 in front of you, that was in April of '08. And you said
7 you thought that the event at Crossroads was around the
8 same time?

9 A. Mm-hm.

10 Q. So by around the same time, do you mean within that
11 spring of 2008?

12 A. Yes. I can get a specific date for you. But we have
13 our worldview conference the same every year and we
14 usually have it in April. Early May at the latest, but
15 it's usually April.

16 Q. But it would be the same year, 2008 --

17 A. Mm-hm.

18 Q. -- as the rally?

19 A. We had a rally in -- so it's '10 now. We didn't do very
20 much in '9, like I said, because of treatment. And '7
21 and '8 we had the -- '7 was the big rally, I think.

22 Q. You were nodding, so I'm just going to ask again to make
23 sure we get it clearly on the record.

24 A. Mm-hm.

25 Q. You think that the Crossroads event would have been in

1 the spring of 2008.

2 A. Yes, I believe so. I don't think it was last year, I
3 think it was the year before.

4 Q. Has there been any sort of attack or grafitti or
5 vandalism of the church office?

6 A. No. No, we got all security cameras and everyone knows
7 that the office is pretty well secure.

8 Q. And we talked about two things occurring at your home,
9 the broken windows of the car --

10 A. Mm-hm.

11 Q. -- and the mail theft. Anything else at your home?

12 A. No. I mean, with security fences and dogs, there's not
13 very much going on at the house.

14 Q. And you said your home address is public.

15 A. Oh, yeah, everyone knows where I live.

16 Q. Did you ever have anyone come to services and disrupt
17 services?

18 A. Well, they've been to our service. They don't disrupt.
19 I mean, I'm too much fun.

20 Q. And by they, who do you mean?

21 A. We've had many visitors that are homosexual. One year,
22 right after we did -- had the Microsoft -- when that was
23 huge news, we had a boycott. The homosexual community
24 boycotted the church service. And so they let us know
25 they was coming. So all of a sudden, you know, okay,

1 what is gonna be the issue if we have them show up at
2 our church and what is gonna take place and how do we
3 wanna make sure that they're safe and we're safe?

4 So right before the service, we had taken -- it was
5 gonna be a hot day. It was in the summer -- I think it
6 was August -- and I'm -- it's been four or five years
7 now. And we said, hey, let's get some water out there,
8 let's get some refreshments for 'em and let 'em know,
9 hey, you're more than welcome to come in. We're welcome
10 to come in?

11 Said, yeah, you're more than welcome to come in.
12 You can't come in as a protester, but you can come in as
13 wanna see what goes on in our church. Because they were
14 saying, you know, I'm preaching against homosexuals
15 every Sunday -- I mean, that's my number-one message --
16 which is, you know, not true. And so they couldn't
17 believe we invited 'em in. So they did. They all
18 walked in, they all sit down. I said, you know, be
19 great if you guys just split up and enjoy yourselves
20 like anyone else that's coming into the church.

21 I stood up in front of the church and says, ladies
22 and gentlemen, we wanna let you know that the protesters
23 outside is no longer protesting. They're inside the
24 church here with us and they come to share with what
25 we're gonna do. The church applauded, told 'em, thanks

1 for coming. We had a great sermon, great singing. And
2 when they got through, they stayed around after that
3 service almost 45 minutes to an hour just talking and
4 beginning to get a good understanding about where I
5 stood.

6 And they -- two girls come up to me and said, it's
7 not about hatred, is it, of homosexuals? Go, no, it's
8 not. She says, you don't like anything the Bible don't
9 like. Yeah, that's where I stand. They says, okay, we
10 can understand it. If we wanna be a part of your
11 church, could we? I said, absolutely, as long as you do
12 what the Bible say and repent of any wrong you're doing
13 like anybody else.

14 Q. And so it sounds like they were well behaved and --

15 A. Well behaved and well accepted and had a great time,
16 because we're a lotta fun.

17 Q. And you said a lot of other people have come.

18 A. We have visitors there all the time because, I mean,
19 things come out in the paper that I've said, whatever,
20 you know. You know that someone's there listening.

21 Q. Just listening or have you ever had anyone be
22 disruptive?

23 A. Oh, no, no. We got -- you know, our church is really
24 organized and we really want folks to enjoy, but we
25 really -- everyone knows that you come in, you come in,

1 the freedom to threaten, what would the average citizen
2 do if their name gets out there and feel threatened?

3 Q. Well, let's talk about what you said. You said that
4 there have been so many comments that they want to take
5 you out. How many were there saying they want to take
6 you out specifically with connection to your stance on
7 Referendum --

8 A. I don't think you can tie them in --

9 Q. Excuse me; let me finish.

10 A. Okay.

11 Q. -- specifically with respect to your stance on
12 Referendum 71?

13 A. I don't think you can separate that in my life.

14 Q. Then how many have you received -- how many phone calls
15 or messages have you received that talk about taking you
16 out?

17 A. Oh, my land. You know, if it was less than 900, I would
18 probably -- that's very conservative in the last four or
19 five years.

20 Q. And do you think that these people that make those kind
21 of remarks are cowards just using words?

22 A. I don't take the chance that they're cowards. Someone
23 that says that has got it in their mind.

24 Q. Have you ever seen someone act on it?

25 A. Well, I think the group that was up there at Mount Si

1 they -- and that's why we had police everywhere at that
2 rally. I mean, we had state police, we had Seattle
3 Police, we had everyone there because I had gotten so
4 many threats; I mean, hundreds and hundreds of
5 threats --

6 Q. Do you feel that --

7 A. -- to my life.

8 Q. -- that the police stopped violence from occurring?

9 A. I guarantee you they did.

10 Q. So were you pleased with the police response?

11 A. I was, very. The King County at the time -- boy, how
12 many years ago was that? Because Reichert was the head
13 of the sheriff's department at that time. And when they
14 started, they -- because we thought they may try to come
15 down on the field from the stands. And he just -- he
16 gave a word, they went down, they stood down along the
17 walls, and that shut that down immediately. We had
18 three or four hundred other protesters outside blocking
19 people from getting in. And so it was not the kind of
20 thing where you feel loved.

21 Q. So how were people able to get in if they were blocked?
22 Did the police --

23 A. They --

24 Q. -- help with that?

25 A. Yes. They just kept -- you know, people just didn't say

1 anything. We had said, look, don't say anything, keep
2 focused. You're probably gonna run into protesters, but
3 just get to the stadium, and you've got protection there
4 and you're gonna be okay.

5 Q. So do you know if any of your parishioners signed
6 Referendum 71?

7 A. I'm sure they did. I mean, yeah.

8 Q. And do you know of any of them being attacked or
9 harassed or threatened?

10 A. No. They enjoy attacking their pastor.

11 Q. So the --

12 A. Most of the people, if it's gonna be an attack, it's
13 gonna be towards me. Very seldom they gonna just come
14 at our people. They don't know our people. They don't
15 know where they stand. But if this -- their names get
16 out, what's gonna keep 'em from being harassed and
17 attacked?

18 Q. But do you know of anyone being -- in your church other
19 than you, who've been very public and are the center --

20 A. Right.

21 Q. -- and focal point of your church, do you know of any
22 ordinary parishioners attracting threats or harassment
23 as a result of signing the petitions?

24 A. No. No, I could not say that I know anyone personally.
25 But people don't know 'em. They don't know who they

CERTIFICATE

STATE OF WASHINGTON)

)

COUNTY OF SNOHOMISH)

I, the undersigned Notary Public in and for the
State of Washington, do hereby certify:

That the foregoing is a full, true, and correct
transcript of the testimony of the witness named herein,
including all objections, motions, and exceptions;

That the witness before examination was by me duly
sworn to testify truthfully and that the transcript was made
available to the witness for reading and signing upon
completion of transcription, unless indicated herein that the
witness waived signature;

That I am not a relative or employee of any party
to this action or of any attorney or counsel for said action
and that I am not financially interested in the said action
or the outcome thereof;

That I am sealing the original of this transcript
and promptly delivering the same to the ordering attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and
seal this 7th day of October, 2010.

Notary Public in and for the State of Washington

residing at Edmonds, Washington.

(Notary expires 3/09/13)

(CCR No. 2699)